

ENTERED

September 28, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TOTAL SAFETY U.S., INC, ET AL.,	§	
	§	
Plaintiffs.	§	
	§	
VS.	§	CIVIL ACTION NO. 4:19–CV–03836
	§	
CODE RED SAFETY	§	
& RENTAL, LLC, ET AL.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S
SEPTEMBER 4, 2020 AMENDED MEMORANDUM AND RECOMMENDATION**

On September 4, 2020, United States Magistrate Judge Andrew M. Edison filed an Amended Memorandum and Recommendation (Dkt. 110) recommending that Defendant Justin Massengale's Motion for Partial Summary Judgment on Plaintiffs' Breach of Contract Claim (Dkt. 53) be **GRANTED**.

On September 18, 2020, Plaintiffs filed objections to Judge Edison's Amended Memorandum and Recommendation (Dkt. 113). In accordance with 28 U.S.C. § 636(b)(1), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; see also Fed. R. Civ. P. 72(b)(3).


Based on the pleadings, the record and the applicable law, The Court **ACCEPTS** Judge Edison's Amended Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that

(1) Judge Edison's Amended Memorandum and Recommendation (Dkt. 110) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and

(2) Defendant Justin Massengale's Motion for Partial Summary Judgment on Plaintiffs' Breach of Contract Claim (Dkt. 53) is **GRANTED**. Plaintiffs' breach of contract claim against Massengale based on the December 31, 2008 Employment Agreement is dismissed. Plaintiffs' breach of contract claim under the Unit Grant Agreement remains.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 28th day of September, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE